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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/337,041	06/28/1999	BUNGO SHIMADA	862.2893	8453

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 10/10/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/337,041

Applicant(s)

SHIMADA ET AL.

Examiner

Saeid Ebrahimi-dehKordy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka et al (U.S. patent 6,122,073) in view of Kamiya (U.S. patent 5,974,232).

Regarding claims 1,10,11 and 13 Miyasaka et al disclose: An image processing apparatus comprising: detection means for detecting the state of a resource used to output image data (please note column 5 lines 31-41 where the detector 20 is detecting to determined the state of the resources like end of paper). prediction means for predicting whether or not to abort the outputting of the image data in accordance with the state of the resource detected by said detection means (please note column 7 lines 58-65 when a particular status of the printer changes the prediction is reported to the host). However Miyasaka et al don't disclose: output control means for suspending outputting of the image data, if abort is predicted by said prediction means; and storage means for storing the output image data which said output control means has suspended.

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On the other hand Kamiya discloses: output control means for suspending outputting of the image data (please note Abstract as it Kamiya teaches the holding or suspension of the job by the hold instruction means also note Fig.11 column 8 lines 28-37). abort is predicted by said prediction means and storage means for storing the output image data which said output control means has suspended (please note Fig.11 column 8 lines 17-63 where Kamiya teaches the storage of the jobs as they get aborted).

Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Miyasaka et al's invention according to the teaching of Kamiya , Kamiya in the same field of endeavor teaches the way the communication data could be printed by way of piroity and with the help of aborting the jog in necessary to interrupt the process of advancing the printing process.

Regarding claim 2 Kamiya discloses: The apparatus according to claim 1, wherein wherein when second image data to be output exists in addition to first image data for which abort is predicted said output means outputs the second image data preferentially to the first image data (please note column 8 lines 47-62).

Regarding claim 3 Kamiya discloses: The apparatus according to claim 1, wherein said output control means comprises selection means capable of selecting whether or not to suspend output image data for which abort is predicted or forcibly perform outputting (please note column 8 lines 63-67 and column 9 lines 1-7).

Regarding claim 4 Kamiya discloses: The apparatus according to claim 3 wherein said instruction means capable of instructing said selection means to suspend

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or forcibly perform output of image data for which abort is predicted (please note column 8 lines 63-67).

Regarding claim 5 Miyasaka et al disclose: The apparatus according to claim 1, further comprising display means for displaying an abort prediction result by said prediction means (please note column 5 lines 63-67).

Regarding claim 6 Miyasaka et al disclose: The apparatus according to claim 5, wherein when output of image data is suspended said display means displays a message indicative thereof (please note column 6 lines 1-7).

Regarding claim 7 Kamiya discloses: The apparatus according to claim 1, wherein said output means comprises output cancel means for canceling output of output-suspended image data (please note column 8 lines 28-39).

Regarding claim 8 Kamiya discloses: The apparatus according to claim 3, further comprising setting means capable of setting a selection result of said selection means in advance (please note column 8 lines 46 –63).

Regarding claim 9 Kamiya discloses: The apparatus according to claim 8 further comprising verification means for verifying setting of said setting means (please note column 8 lines 60-63).

Regarding claim 12 Kamiya discloses: The method according to claim 11, wherein the abort prediction step is performed only when image data to be output exists in addition to the first image data, and the first image data is directly output when no image data to be output exists in addition to the first image data (please note column 8 lines 47-63).

### **Other prior art cited**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hwang (U.S. patent 5,822,084) is pertinent as disclosing a technique for displaying a transmission error page of a facsimile machine.

Pardo (U.S. patent 5,717,840) is pertinent as disclosing a method and apparatus for printing according to a graphic language.

Maemura et al (U.S. patent 6,281,980) is pertinent as disclosing multifunctional image processing for preventing printer interruption.

Kamiya (U.S. patent 5,974,232) is pertinent as disclosing an image processing apparatus that executes abortion of image processing and method of resuming aborted image processing.

Miyasaka et al (U.S. patent 6,122,073) is pertinent as disclosing a communications terminal and interfacing method therefore.

### **Contact Information**

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (703) 306-3487.

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The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, can be reached at (703) 305-4712.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314, or (703) 308-9052 (for **formal** communications; please mark  
"EXPEDITED PROCEDURE")


**Or:**

(703) 306-5406 (for **informal** or **draft** communications, please label  
"PROPOSED" or "DRAFT")

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy  
Patent Examiner  
Group Art Unit 2622  
March 16 2003

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER